

## **WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: HEALTH SERVICES**

**DATE: MARCH 27, 2009**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS SOKOL  
THOMAS  
CHAMPAGNE  
O'CONNOR  
STRAINER

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS SHEEHAN  
PITKIN

**OTHERS PRESENT:**

REPRESENTING COUNTRYSIDE ADULT HOME:  
BRENDA HAYES, DIRECTOR  
SHEILA WEAVER, COMMISSIONER OF THE DEPARTMENT OF  
SOCIAL SERVICES  
REPRESENTING WESTMOUNT HEALTH FACILITY:  
BARBARA TAGGART, ADMINISTRATOR  
REPRESENTING THE HEALTH SERVICES DEPARTMENT:  
PAT AUER, DIRECTOR OF PUBLIC HEALTH/PATIENT SERVICES  
SHARON SCHALDONE, ASSISTANT DIRECTOR OF THE HOME CARE  
DIVISION  
GINELLE JONES, ASSISTANT DIRECTOR OF THE PUBLIC HEALTH  
DIVISION  
TAMMIE DeLORENZO, CLINICAL & FISCAL INFORMATICS  
COORDINATOR  
TAWN DRISCOLL, FISCAL MANAGER  
TRISH NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE AND FISCAL  
SERVICES  
JOAN SADY, CLERK OF THE BOARD  
KEVIN GERAGHTY, BUDGET OFFICER  
SUPERVISOR KENNY  
SUPERVISOR TAYLOR  
LARRIE GOUGE, PROSPECT CHILD & FAMILY CENTER  
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

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Mr. Sokol called the meeting of the Health Services Committee to order at 9:34 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Strainer and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Brenda Hayes, Director of Countryside Adult Home, who distributed copies of a handout to the Committee members; *a copy of the handout is on file with the minutes.*

Ms. Hayes stated that Hal Payne, Commissioner of Administrative & Fiscal Services, had requested that she discuss the issue of referrals from other counties, which had been an issue at Countryside Adult Home for some time. She advised that they did not usually accept out-of-county referrals, as there was no guarantee that the referring county would pay the necessary costs for the individual to reside at Countryside Adult Home. Referring to the handout, Ms. Hayes explained that the number of out-of-county referrals for 2006 through 2009 were listed and she noted that in 2005 they did not log out-of-county referrals. She added that the

handout also listed some individual out-of-county referrals that had been admitted and their county of residence. She noted that there were already eleven out-of-county referrals for 2009, five of which had not been entered into the system yet. She apprised the Committee that there were very few county adult homes in New York State and noted that the facility in Washington County was only a 40 bed facility.

Ms. Hayes stated that Countryside Adult Home currently had one resident from Schenectady County, who was only paying 50% of the costs. Sheila Weaver, Commissioner of the Department of Social Services, explained that the reason that Schenectady County was only paying 50% of the costs was because the local share was 50% and the remainder was reimbursed by the State. She said that Schenectady County paid the 50% local share; however, she added, they refused to pay for any personal needs costs.

Mr. Champagne voiced his opinion that since Countryside Adult Home was a 60 bed facility, which currently had 43 residents, it was preferable to fill some of the empty beds with out-of-county residents. He noted that although there was the possibility of only being reimbursed for 50% of the costs, it was more desirable than having the beds remain empty, as the cost of operating the facility would not increase. Mr. Payne noted that there had been some difficulties in collecting the fees from some of the counties. Mr. Sokol agreed that since the overhead remained constant, 50% of the costs was preferable to empty beds.

Ms. Weaver said that if the individual was a resident of another county, who was already receiving assistance, then the county of residence was obligated to pay the costs of their stay in Warren County. She explained that if the individual from another county moved in with a relative who resided in Warren County, and it was later determined that the individual was in need of the services of an adult home, the individual would be admitted to Countryside Adult Home as a private pay resident until all of their funds were expended, at which time Warren County would be responsible for the cost of their care.

Discussion ensued.

Following a brief discussion, motion was made by Mr. Champagne, seconded by Mr. Strainer and carried unanimously authorizing Ms. Hayes to work with the County Attorney's Office to draft a policy regarding the admittance of out-of-county residents to the maximum level of 55 beds, leaving 5 beds available for Warren County residents.

Ms. Hayes and Ms. Weaver exited the meeting at 9:48 a.m.

Privilege of the floor was extended to Barbara Taggart, Administrator of Westmount Health Facility, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Ms. Taggart requested a transfer of funds in the amount of \$179 from the Westmount, Plant Operation & Maintenance, Repair & Maintenance PS DA Building, Property Code (EF.82200.6101 413) to the Westmount, Plant Operation & Maintenance, Other Equipment Code (EF.8220.5803 260) to cover the cost of a power washer.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to approve the transfer of funds, as outlined above and to forward same to the Finance

Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Taggart requested to amend the 2009 County budget to increase estimated revenues and appropriations in the amount of \$2,285, to reflect the receipt of a payment from the insurance company, as a result of the January 1, 2009 damage to the light pole in the parking lot at Westmount Health Facility.

Motion was made by Mr. Strainer, seconded by Mr. Thomas and carried unanimously to amend the 2009 County budget, as outlined above and to refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Taggart requested to close Capital Project No. H225.9550 280 (Multi-Modal Day Care) and to adjust expenditures to the Abandoned Project Code (EF.84700.6950 280). She advised that the project began in 2002 and had been completed in two phases. She said that if they decided to proceed with the Multi-Modal Day Care Program, they would need to readdress the estimated costs as they were now outdated. She noted that they were currently working on the sprinkler project which had been mandated by the New York State Department of Health (NYS DOH). She advised that Phase 1 of the project had cost \$7,643, Phase 2 had cost \$7,025 and the NYS DOH certificate of need was \$1,250, for a total amount of \$15,918. She said that all of the funds in the Capital Project had been expended. Mr. Thomas asked what kind of project it had been and Ms. Taggart replied that the project was to initiate a day care medical model program. Mr. Payne stated that the project would have included a \$4 to \$5 million addition to the Facility; however, he added, they had been unable to obtain approval from the NYS DOH.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to close Capital Project No. H225.9550 280 - Multi-Modal Day Care, and to adjust expenditures to the Abandoned Project Code (EF.84700.6950 280) and to refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Taggart said that a report on staffing levels had been included in the agenda packet. She advised that she had hired a Certified Nursing Assistant (CNA) to fill the vacant 3:00 p.m. to 11:00 p.m. position. She requested Committee approval to increase the number of per diems that were used by the Facility, in order to ensure that there would be sufficient coverage over the summer to cover employee vacations. Mr. Sokol asked how many per diems were currently used and Ms. Taggart replied that they used approximately 15 per diems. Mr. O'Connor asked if there was currently a limit on the number of per diems that were used. Joan Sady, Clerk of the Board, advised that since the number of per diems used by the Facility was not set by resolution, it could be adjusted as needed. Ms. Taggart stated that per diems were only used as needed and that if an individual per diem had not been available for a period of time they were deleted from the list. It was the consensus of the Committee to authorize Ms. Taggart to increase the number of per diems at Westmount Health Facility on an as needed basis.

Ms. Taggart noted that a report on overtime usage had been included in the agenda packet and that the report reflected coverage for a holiday. Mr. Strainer pointed out that the amount of CNA overtime was high and Ms. Taggart responded that it was typical to have an increased amount of overtime when a holiday was included.

Ms. Taggart stated that an obituary of a former resident had been included in the agenda packet, which contained positive comments about Westmount Health Facility. She added that she had also included a copy of an announcement pertaining to the 100<sup>th</sup> birthday of a resident. She advised that she had attended a Legislative Day in Albany, New York in February and had an opportunity to speak with Assemblywoman Teresa Sayward concerning nursing home issues. She added that a letter from Assemblywoman Sayward was included in the agenda packet.

Ms. Taggart exited the meeting and Trish Nenninger, Second Assistant County Attorney, entered the meeting at 9:55 a.m.

Privilege of the floor was extended to Pat Auer, Director of Public Health, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Ms. Auer stated that the first item on the agenda was to update the Committee on the status of the Emergency Preparedness Grant and she requested that Ginelle Jones, Assistant Director of Public Health, provide the report. Ms. Jones explained that the Emergency Preparedness Grant was previously a Federal grant; however, she added, 2009 was the first year that the grant was a State grant. She advised that the grant funding year was from August 10, 2008 to August 9, 2009 and they had received notification in January that the current year's funding would be decreased and had to be expended by March 31, 2009.

Ms. Jones referred to a table pertaining to the Emergency Preparedness Grant funding, which had been included in the agenda packet. She explained that the column labeled 'FY08 Funding 8/10/08 - 3/31/09' showed that out of the total grant funding of \$85,000, Warren County would have to expend \$54,433 by March 31, 2009. She added that the best estimate was that Warren County would be able to expend approximately \$43,000 by the deadline. She referred to the column labeled 'Close Out Funding 4/1/09 - 8/9/09' which showed that Warren County would receive \$17,729 for the second half of the funding year. She noted that there were certain requirements in order to maintain eligibility to receive the grant funding, which included recurring costs such as wireless devices, internet access, alternate access and video conferencing capabilities. She said that the recurring requirements amounted to approximately \$1,200 per month and the staffing costs were approximately \$4,500 per month. She advised that if the State was unable to find additional monies to fund the grant, the Public Health Department had decided to eliminate the recurring costs and maintain the staff.

Ms. Jones explained that Governor Paterson had not included Emergency Preparedness Grant funding in his budget proposal; therefore, if the budget was adopted, the Emergency Preparedness Grant would no longer exist and the unexpended balance would not be transferrable. She proposed that Warren County not attempt to expend the remaining funds by the March 31, 2009 deadline and eliminate the State required recurring costs which were unfunded.

Ms. Auer noted that the employees that were hired using the grant funding were aware that if funding was not received their positions would be eliminated. She added that there was the possibility that Emergency Preparedness could become an unfunded mandate. Ms. Jones stated that Warren County had an Emergency Preparedness Plan in place which included partners that had been gained through the process. Ms. Auer noted that she had written letters to the Office

of Senator Elizabeth Little and Assemblywoman Teresa Sayward concerning the grant funding. Mr. Champagne asked how many employees were involved with the program and Ms. Jones responded that there were three part-time employees; a contract Bioterrorism Coordinator position; a Bioterrorism Liaison position; and a Bioterrorism Educator position. She added that Departmental employees also worked on the project on an in-kind services basis.

Ms. Auer stated that the next item on the agenda was to update the Committee on the Point of Care (POC) Initiative. She noted that the contract amendments had been completed by the County Attorney's Office and in general the Department was very happy with the system. Sharon Schaldone, Assistant Director of the Home Care Division, apprised that the nurses were becoming accustomed to the new system. Tammie DeLorenzo, Clinical & Fiscal Informatics Coordinator, explained that the Department had mini sessions referred to as pull time topics, where the nurses were brought in for discussions on the new system.

Mr. Kenny entered the meeting at 10:15 a.m.

Ms. Schaldone noted that with the old system it took three weeks to get the physicians orders out and with the new system it took seven days. Ms. Auer stated that the inclusion of the POC system would help ensure that Warren County kept current with the shift towards electronic medical records keeping. Mr. Champagne stated that there were economic stimulus funds available for the purpose of enabling doctors to access medical records electronically. Ms. Auer replied that the POC Initiative would place Warren County in a good position to receive economic stimulus funding towards electronic records management, as it would show that the County had already invested in the project.

Ms. Auer stated that on the advice of Mr. Sokol, she had decided to postpone the fluoride presentation until next month's meeting.

Ms. Auer requested authorization to re-establish a petty cash fund for the Health Services Department, in the amount of \$200.

Motion was made by Mr. Champagne, seconded by Mr. Strainer and carried unanimously to authorize the re-establishment of a petty cash fund, as outline above and to refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Auer requested authorization to renew the current contract with the New York State Department of Health (NYS DOH) Bureau of Immunization to allow continued receipt of funding in the amount of \$33,111, commencing April 1, 2009 and terminating March 31, 2010.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to renew the current contract with the NYS DOH Bureau of Immunization, as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the April 17, 2009 Board meeting.*

Ms. Auer requested authorization to renew the contract with the NYS DOH for the Childhood Lead Poisoning and Prevention Program in the amount of \$23,732, commencing April 1, 2009 and terminating March 31, 2010. She further requested to amend the contract with NYS DOH for the Childhood Lead Poisoning and Prevention Program (as previously amended by

Resolution Nos. 301 of 2007 and 272 of 2008) to allow receipt of Cost of Living Allowance (COLA) funds in the amount of \$2,005. Mr. Champagne asked if records were kept of cases of severe lead poisoning and Ms. Jones responded that in the last five years there had been 20 cases in Warren County. She added that lead levels of under ten were considered to be harmless. She explained that the Department offered a home visit at levels of fifteen or higher and for levels of twenty or higher an investigation by the State Health Department was initiated. She added that in the last five years Warren County had not had a case that was twenty or higher.

Motion was made by Mr. Champagne, seconded by Mr. Thomas and carried unanimously to renew and amend the contract with NYS DOH for the Childhood Lead Poisoning and Prevention Program, as outlined. *Copies of the resolution request forms are on file with the minutes and the necessary resolutions were authorized for the April 17, 2009 Board meeting.*

Ms. Auer requested a resolution to ratify the actions of the Chairman of the Board of Supervisors in executing the Lifestream Interface Agreement and to further amend Resolution No. 980 of 2008 to add authorization for terms of agreement to include subscription fees in an amount not to exceed \$3 per month.

Motion was made by Mr. Thomas, seconded by Mr. Champagne and carried unanimously to ratify the actions of the Chairman of the Board of Supervisors and to amend Resolution No. 980 of 2008, as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the April 17, 2009 Board meeting.*

Ms. Auer noted that a report on free and reduced care had been included in the agenda packet and added that the quota had not been met.

Ms. Auer stated that a report on revenues and expenditures for 2009 through March 25, 2009 had been included in the agenda packet. She advised that they were behind as far as payments which had not been received and added that there would be a shortfall this year due to the preschool program. Tawn Driscoll, Fiscal Manager of the Health Services Department, advised that the 2008 figures had not been finalized; although \$52,701.22 had been accrued for Early Intervention Revenue and \$101,807.22 had been accrued for the Preschool Program. She said that the billing for January 2009 had been closed yesterday. She stated that they received \$310 per month from Medicaid for the Telemed Program.

Discussion ensued.

Ms. Driscoll requested a transfer of funds in the amount of \$69,700 from the Bioterrorism - Federal Revenue Code (A.4189 4401) to the Bioterrorism - State Revenues Code (A.4189 3301) to reflect the fact that the Bioterrorism Grant was now funded by the State and not the Federal government.

Motion was made by Mr. Strainer, seconded by Mr. Champagne and carried unanimously to approve the transfer of funds, as outlined above and to forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Auer stated that she wanted to draft a secondhand smoke policy for Home Care nurses

who visited the homes of patients who either smoked or lived with relatives that smoked. She said that she had inquired with the New York State Association of County Health Officials (NYSACHO) to determine if other counties had initiated a similar policy. Ms. Schaldone advised that although the Home Care nurses were guests in the homes of the patients, many of the nurses had complained of having to deal with secondhand smoke. She added that the policy would make it acceptable for the nurses to request that the homeowners not smoke during the Home Care visit. Ms. Auer said that they would like to draft a policy that incorporated language that was appropriate and honored the patients right to smoke, as well as the well being of the Home Care nurses. Mr. Sokol questioned if the County had the right to initiate a policy due to the fact that the patients had the right to smoke in their own homes. Ms. Schaldone reiterated that the policy would merely inform the nurses that they had the right to request that the patient or homeowner to refrain from smoking during the visit.

Trish Nenninger, Second Assistant County Attorney, apprised the Committee that Ms. Auer had discussed the issue with her and at this point it was merely being presented to the Committee for informational purposes. She advised that the County Attorney's Office had agreed to research the possibility of drafting a policy.

Discussion ensued.

Ms. Auer informed the Committee that the Health Services Department previously had four vehicles that were garaged outside of the Municipal Center campus: one in the Town of Hague; one in the Town of Chester; and two in the Town of North Creek. She added that there were no longer any vehicles in the Town of North Creek and there were now three vehicles in the Town of Chester.

Ms. Auer stated that Larrie Gouge, Executive Director of the Prospect Child & Family Center, was present to explain the difficulties the Center was having with providing speech therapy services to children in the Preschool Program. She explained that there were two issues, the first being the unfunded mandates which were an additional expense to the County and the second was that the Center was short staffed on speech therapists who were certified to be billed by Medicaid.

Mr. Gouge said that he appreciated the opportunity to address the Committee. He stated that he was concerned that the perception was that the Center was not providing services for which they were receiving payment and that they were short changing the County. He explained that the Center had a speech therapist that had knee replacement surgery and had been out from October until January and that when this type of instance occurred they did everything possible to replace the individual. He added that they had been able to hire a speech therapist for two days a week and were able to increase the frequency later, although she was still not full-time. He said that they had also advertised to fill the vacant position and had moved children around so that they were able to receive some therapy; however, he added, the confusion was that if the children were on Medicaid and they happened to have a speech therapist that was not qualified to be billed by Medicaid. He advised that the Center was not required to have speech therapists that met the criteria to be certified although they had a couple that were certified.

Mr. Champagne asked for clarification on the difference between certified and non-certified speech therapists and Mr. Gouge responded that certified speech therapists had to have a

Masters Degree. Mr. Gouge stated that he had called the State Education Department to determine if the Center was responsible for reimbursing the County for their loss and had been told that they were not. He added that the Center did everything within their power to ensure that Ms. Auer would be able to bill Medicaid and noted that other counties did not bill Medicaid. Ms. Auer stated that billing Medicaid was time consuming but was worth the effort. Mr. Gouge said that billing Medicaid put both the County and the Center at greater risk in terms of the required documentation and bookkeeping. He added that the Center did maintain all the necessary records and to allow for Medicaid to be billed as much as possible.

Ms. Driscoll interjected that the total deficit resulting from this situation was in excess of \$100,000 that the County had been unable to bill Medicaid. She noted that if a child did not receive their speech therapy for a particular day then the County was also unable to bill for those transportation services. Mr. Gouge questioned how the total amount could be in excess of \$100,000 for a period of approximately three months. Ms. Auer responded that the total amount was \$100,114.94, which included \$21,961 in transportation costs. Mr. Gouge noted that during that time there were six preschool students who had reduced speech therapy services.

Mr. Gouge advised that the Center had done everything possible to hire a speech therapist that was Medicaid billable in order to accommodate the County. He reiterated that they were not required to do so and added that considering the wages that the Center paid, it was difficult to hire staff. Mr. Champagne asked if it were possible for the Center to contract with the County in order to utilize the speech therapists that the County already had on staff. Ms. Schaldone responded that the speech therapists were not employees of the County and worked under contract. Mr. Gouge said that the Center was fully staffed on speech therapists and added that two of the therapists were not Medicaid billable. He advised that the Center continued to advertise for certified speech therapists.

Discussion ensued.

Mr. Taylor entered the meeting at 10:40 a.m.

Mr. Thomas stated that he had spoken to elderly members of the community and had been advised that in their youth, programs such as welfare, food stamps and preschool, had not been available. He added that the previous generation took care of themselves and although there were some problems, they got along fine. He said that he felt that the situation had gone from one extreme to the other.

Mr. Champagne said that the important issue was to ensure that the County received the services for which they had paid. Mr. Gouge stated that speech therapists who had previously qualified for Medicaid billing no longer qualified once the regulations changed. He added that this issue coupled with the loss of a speech therapist due to medical leave had caused the loss of billable income to the County. Mr. Champagne asked whether the County had been informed of the issue or if it had been discovered through the audit process and Ms. Auer replied that it had been discovered through the audit process. Mr. Champagne asked if the problem had been rectified and Ms. Auer replied affirmatively.

Mr. Thomas questioned if it was legal for the Center to join together with the County on



contracts for speech therapy. Ms. Auer responded that she was unsure of the legality, otherwise it would be up to the individual therapists and she added that many of the therapists chose to contract with the County because it allowed them to set their own hours.

As there was no further business to come before the Health Services Committee, on motion made by Mr. Strainer and seconded by Mr. O'Connor, Mr. Sokol adjourned the meeting at 11:03 a.m.

Respectfully submitted,  
Charlene DiResta, Sr. Legislative Office Specialist